

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

CASE NUMBER WILL BE ASSIGNED
AT TIME OF FILING

2:17-cv-02022-RFB-NJK

Jurisdiction

Complaint

Demand

Ex Parte injunction for a temporary restraining order & hearing for a preliminary injunction to protect the 1st Amendment rights and other rights of myself & public performers on the Las Vegas Strip & Fremont St.

July 25th, 2017

Michael T. Moore
President S.L.A.V.E Union
8174 S. Las Vegas Blvd.
Ste. 109-131
Las Vegas, NV 89123-1096

Time line of event regarding injunction for Temporary Restraining Order

April 2015

I, Michael T. Moore, as President of the Sonic Laborers and Visual Entertainers Union signed a majority statutes of Las Vegas Strip & Fremont Street Public Performers. This was part of an organizing champaign started in June 2013 as I am a rank and file member as a public performer on Las Vegas Strip and Fremont Street.

Summer 2015

I reported to the Las Vegas City Council on the record several times that creation and implementation of amendment to LVMC 11.68 as it was written and voted upon on September 16th, 2015, would over extend controls on Public Performers on Fremont Street and create a Multi-Employer/Employee relationship, due to a control test standard by the Department of Labor.

Performers cannot be Independent Contractors due to the restriction by the City of Las Vegas and Clark County ordinances that subject performers to fines exceeding \$1,000+ and 6 months in jail for operating without a business license, yet no such license exists and even if it did, it would violate a higher court decision that prohibits the forcing of a business license on a public performer as it would violate the 1st amendment rights and nature of street performing.

The actions of the city and FSE created a multi-employer/employee relationship despite my warnings that they cannot have all of the privileges of an employer without the liabilities and responsibilities of being an employer, ie: Minimum wage compensation to public performers, OSHA compliance and other employer contributions and taxes.

The National Labor Relations Board asked me in January 2017 if this same employer/employee

1 relationship exists for public performers on the Las Vegas Strip. I was able to confirm sometime
2 around April 2017 that the same controls by the powers that be did in fact constitute a multi-employer/
3 employee relationship for public performers on the strip, while using Las Vegas Metro Police as
4 "Agents of the employers" against the performers in acts of intimidation, harassment arrests,
5 impounding of tools of the performers trade and even malicious prosecution via the "Community
6 Court" under Judge Joe Bonaventure. This court appears to be a de facto "Kangaroo Court" operating
7 in an abandoned Nevada Supreme Court on the 17th floor of the Clark County Court House. This
8 court has no US or Nevada State Flags behind Judge Bonaventure. The Seal of the Nevada Supreme
9 Court is still over head, thus misleading and intimidating performers summoned to this court.
10 Performers are not allowed to enter a plea until they meet with court clerks masquerading as social
11 workers who demand the defendants answer as many as 100 + questions from private medical
12 information, child support, income, housing Social Security Numbers, banking etc.

13
14 This information by this court and LVMPD admission is "shared with all casinos" (Employers).

15
16 If a performer refuses to answer these questions, they are threatened with jail time, despite having not
17 yet entered a plea or being convicted of any crime.

18
19 This community court is violating due process of the performers.

20
21 This Community Court under Judge Joe Bonaventure is nothing more than a Human Resource Board
22 of Termination operating by and for the casinos in order to obtain a 12 month suspension of the public
23 performers 1st amendment rights to communicate with the public on the Las Vegas Strip.

24
25 The labor status of public performers on the strip would normally be that of an independent contractor.
26 However, it is the casinos via Tourist and Convention Authority who in their greed to control the
27 public sidewalks have "seized" the livelihood of public performers that is earned in a public forum
28 under the 1st Amendment. This created the multi employer/employee relations under federal labor law

1 and it is the casinos who are using Las Vegas Metro Police, C.C.A.C., The Las Vegas City Hall
2 Marshals, Fremont Street Experience L.L.C.-Security, the Las Vegas City Council as "Management"
3 to control this entertainment work force of public performers, who never asked, nor consented to
4 become employees of the above mentioned employers, yet this entertainment work force was
5 "Hijacked" and enslaved by County, City ordinance and phantom laws and a de facto court under
6 Judge Bonaventure in order for the casinos employers to maintain an "Entertainment Monopoly" on
7 the Las Vegas Strip and Fremont Street as they want to stop side show nature of public performing
8 and clear the sidewalks so the tourists and locals will not have any other choice than to see shows only
9 inside of the casinos.

10
11 This conspiracy is not hidden, nor is the collusion of the powers that be in this matter. It is public
12 record.

13
14 I believe this is a violation of Title 18 Section 241 of US code. "Conspiracy against rights".
15

16 **January 2017**

17
18 Community Court under Judge Joe Bonaventure is funded by the Department of Justice and granted
19 \$200,000.00 to deal with homeless on the Las Vegas Strip. These funds are misused to restrain and
20 maliciously prosecute Public Performers operating under the 1st amendment on the Las Vegas Strip.
21

22 **February 2017**

23
24 A coordinated effort has been made the City of Las Vegas, Clark County, LVMPD, Las Vegas City
25 Hall Marshals, Fremont Street Experience L.L.C. management-security, Derek Stevens of The "D"
26 Casino-Desert Rock Entertainment, Caesar's Entertainment and members of Las Vegas Convention
27 and Visitors Authority to conduct "Sweeps" of Public Performers on Fremont Street to discourage the
28 exercising of the performers 1st amendment rights on Fremont.

1 **February** 17th, 2017

2
3 I, Michael T. Moore, was performing in Circle 6 in front of Binion's. I was assigned this circle as part
4 of the Lottery system on Fremont Street. An FSE security out of uniform tried to conduct a sound
5 level check on my guitar amplifier. This is a system FSE uses produces a "False-Positive" in order to
6 issue a ticket that results in a wrongful termination/constructive discharge of performers on Fremont
7 Street.

8
9 I turned off my amp as I have been tested by "Kevin" of FSE over 26 times on Fremont Street in the
10 past year and with the amp I have it cannot exceed 106 decibels. When I refused, 7 City Hall
11 Marshalls encircled me in para-military fashion and demanded I play my guitar and allow Kevin to
12 take a sound test.

13
14 I asked that my union representative be present under my Weingarten Rights. I was refused this by the
15 Marshals, so I refused to play the guitar.

16
17 I was detained and prevented from performing for over 45 minutes, yet no one made a complaint
18 against my sound level which was 106 decibels, while the ambient sound levels from the light show
19 and bands on stages reach 126-130 decibels during this police stop.

20
21 The Marshals became angry once I asked for a witness and union representative and said "There is no
22 union!!!", despite being showed union documentation from the Nations Labor Relations Board
23 regarding an Unfair Labor Practice filed prior to this police stop. The Marshals still were in denial and
24 stated, "There is no performers union!"

25
26 I was concerned with my safety and I feared for my life and well being and in the past the Marshals
27 have impounded other performers tools in violation of the 4th amendment the tools of my trade, guitar
28 and amps.

1 The Marshals declared they were not certified to conduct the decibel test on my amp and Kevin from
2 FSE was not certified to conduct the test, yet if I submitted to the test, I could be arrested and my tools
3 impounded due to the false positive result written into the ordinance for Fremont Street. The ordinance
4 states a 1 foot measurement, whereas the manufactures handbook states (Science) 1 meter is the
5 distance.

6
7 This was written into the ordinance against the science of sound measurement in order to produce a
8 false positive and conduct malicious prosecution against Fremont Street Public Performers and use the
9 courts to issue a wrongful termination/constructive discharge against performers thus banning them by
10 court order for 12 months "Stay-Away" from performing on Fremont Street, a ban that exceeds the the
11 laws on the books for a noise ordinance violation.

12
13 This was harassment and coercion of my 1st amendment rights to communicate with the public on
14 Fremont Street and make this a hostile work environment.

15
16 **February 21, 2017**

17
18 I went to the Las Vegas Justice Court to file a a Temporary Restraining Order against The Fremont
19 Street Experience -Security and the City Hall Marshals, not just for the incident on 2/17/2017 but also
20 on behalf of our union members as the 2/6/2017 "SWEEPS" had begun against Fremont Street Public
21 Performers and tickets and arrests of performers have exceeded over 100 performers. It was excessive
22 and was part of the powers that be in the thinning of herd of performers on Fremont and also it was
23 designed to discourage the exercise of 1st amendment rights of performers on Fremont and force them
24 off Fremont to the Las Vegas Strip and/or to cease public performances all together by argumentum ad
25 baculum.

26
27 I filed the TRO with clerk Juan Aguirre and was told I would be notified within 3 days by mail. This
28 did not happen. Four days later, on 2/27/2017, I returned to the court and inquired to the status of the

1 TRO and I was told I was sent an email, which I was not, and that the TRO request was never sent to a
2 judge and denied.

3
4 It is clear to me that going to Las Vegas Justice Court to file a TRO was an exercise in futility as they
5 are not going to allow a TRO into the record and police the police.

6
7 **March 2017**

8
9 I started performing on the Las Vegas Strip but due to the harassment by FSE-Security, City Hall
10 Marshals and Metro on Fremont Street, I did not feel safe on Fremont and I was in fear of my tools
11 being impounded and being maliciously prosecuted.

12
13 The overflow of performers on the Strip that were run off by the police sweeps on Fremont were by
14 design of the powers that be and it was soon clear to me that the powers that be had planned this as a
15 "Cat batting a mouse" back and forth as the sweeps soon began on the Las Vegas Strip.

16
17 I was soon detained by LVMPD officer Hooks and 3 other officers as I simply walked to leave the
18 strip and I was again detained for nearly 1 hour told that I was not welcome to perform on the strip
19 and my tools (Guitar and amp) would be impounded if I returned with it.

20
21 I attempted to perform a week later and I was told to leave the strip or my tools would be impounded.

22
23 **April 2017**

24
25 I was acting not as a performer but as the performers union representative in meeting with LVMPD
26 during performer stops. In most cases, I was able to bring peace to the officers by handing them a
27 cease and desist letter and advising them to call a metro supervisor as the performers were not
28 breaking any laws.

1 Metro officers in brown or yellow shirts understood and respected the union position and allowed the
2 performers to perform.

3
4 The Convention Center Area Command (CCAC) under John Pelletier,
5 Bureau Commander, sent 8 to 15+ officers in para-military uniforms dark green and used excessive
6 force against the performers who are members of our union, to handcuff, choke-hold and arrest and
7 impound tools of performers. These officer acted like storm troops to harass public performers with
8 tickets issued with "Phantom Laws" and obstruction, yet these officers issued tickets without any
9 testing of the threshold of "blocking ten pedestrians per minute". These tickets were issued even when
10 there where zero pedestrians.

11
12 These same C.C.A.C. officers would brag of a "Special Court" for performers under Judge Joe
13 Bonaventure to get rid of street performers as the casinos do not want performers on the sidewalks.

14
15 The Casinos cannot own the side walks in the United States of America and The Convention Center
16 Area Command (CCAC) admits on its web site that it was opened in November of 2008 and was
17 funded by the Las Vegas Convention & Visitors Authority.

18
19 This is a point of collusion and connection between the casinos and LVMPD-CCAC.

20
21 The members of my union and I myself have personally witnessed the unlawful actions of the the
22 Convention Center Area Command (CCAC) and video taped it.

23
24 May18th 2017

25
26 At the request of my union members, I attended the De Facto Community Court under Judge Joe
27 Bonaventure and took notes. This was the most bizarre court I have been to in my entire career as a
28 union official and attorney for the union. This court was being held in a vacant court that was the

1 former Supreme Court of the state of Nevada on the 17th floor of the Las Vegas justice Center. The
2 occupancy license posted had long since expired, the Seals of the Supreme Court of Nevada were still
3 hung up and all over the place inside and outside of the court, thus misleading performers as to what
4 court this is or what authority it is under.

5
6 Within minutes of observing I noticed the absence of the United States Flag and the Nevada State Flag
7 behind Judge Joe Bonaventure. This court had been running for almost 5 months at this point and still
8 does not have either flag to this date.

9
10 Performers are directed to a fake social worker and are demanded to answer 100+ personal questions
11 as if they had already been convicted, yet a plea has not even been entered. The performers are told if
12 they do not answer they will be given jail time.

13
14 The performers enter the court and then an attorney starts speaking as a "Defense",
15 yet these so call defense lawyers make the prosecutions argument, while the prosecutor remains silent
16 only answering Judge Bonaventure with head nods for yes or no, nothing verbal uttered and the
17 performer is ran over by a defense lawyer who the performer did not authorize to represent them in
18 this court.

19
20 Much of the time the court reporter is not typing, even while court is on the record.

21
22 The presence of 2 to 4 metro officers are seated next to the prosecution.

23
24 I had observed no less than 4 consecutive community courts under Judge Bonaventure and I
25 personally witnessed how performers faced almost a 2nd arrest and unlawful interrogation to "fish"
26 for personal information that is to be shared with the casinos for public performer profiling in the
27 security offices of the casinos and to use the private information against the performer if the court
28 wishes.

1 This violates due process of the performer and this court meets all 3 conditions of an unlawful, de-
2 facto kangaroo court that is akin to a 3rd world nation court held in a secret empty place with a
3 predetermined outcome.

4
5 This is the court that the Convention Center Area Command (CCAC) bragged of when screaming in
6 performers faces while they were handcuffed on the strip.

7
8 May 19th, 2017

9
10 I was being interviewed as the Performers Union President by CH 13 and nearby Reese Williams was
11 performing and the Convention Center Area Command (CCAC) placed him in an unlawful choke-
12 hold for performing and this was caught on video.

13
14 May 22nd, 2017: About 31 hours later, Metro-C.C.A.C. officers placed Tashii Farmer in the same
15 choke hold and he was killed by a Metro officer. These actions placed extreme fear among performers
16 as Metro-The Convention Center Area Command (CCAC) was out of control and we all fear that it is
17 only a matter of time until The Convention Center Area Command (CCAC) kills a public performer.

18
19 May 23rd, 2017

20
21 Our union had a general membership meeting in order to prepare our members to protect their rights
22 against the the Convention Center Area Command (CCAC) and the Community Court under Judge
23 Bonaventure. We supplied the performers with the cease and desist letters as we had been doing for 2
24 months on the strip and Fremont Street.

25
26 June 22th, 2017

27
28 I was present with union members Jerry Lechner and Alexis Church in the Community Court and the

1 bailiff named Janice was wearing the uniform of the City Hall Marshals and not the Las Vegas Court
2 House Marshals. She was aware that I was a union representative and was harassing Mr. Lechner and
3 Mrs. Church as to their positions in the performers union and asking, "Are you his Vice Presidents?"
4

5 After Lechner and Church had left the Community Court, I remained to take notes and Judge Joe
6 Bonaventure dismissed a case against a performer and the performer left the court. Judge Bonaventure
7 then instructed the court clerk named "William" to take that performers file and mail it to the I.R.S.
8

9 At this point, I had sat through over 4 days and over 25 hours of this so called Community Court. I
10 witnessed Judge Joseph S. Sciscento in a prior Community Court under Judge Bonaventure bring a
11 group of students and a dog into the court where Judge Bonaventure expressed that this court was to
12 help get performers off the streets and stop them from getting tickets, where Judge Sciscento laughed
13 out loud in front of the students saying "If they quit getting tickets, Joe you and I are out of a job!"
14 That shows that this court is a joke where a judge could make a statement like that in front of students.
15 Saying the courts are an industry and a place for justice sends the wrong message to students and is
16 proof of this de facto court. I have never been so appalled at the conduct of a court in my career as a
17 labor/legal representative since the late 1980's.
18

19 I left the de facto court room to take photos of the seal in the lobby of the Nevada Supreme Court. It
20 was at that time the fake social workers came out from the back empty offices and demanded I
21 surrender my camera so they may delete photos I just took of the seal and occupancy license. I refused
22 and was detained by Bailiff Janice of the City Hall Marshals for the community court who then
23 demanded to know the structure of our union, who elected me, what my bar license number was and I
24 was told I could not leave until I surrendered my camera.
25

26 I informed her I was conducting an investigation as this appeared to be an illegal court and this was a
27 labor relations matter and these cases needed to be transfered to a court of competent jurisdiction as
28 this court was operating as an agent of the casinos and maliciously prosecuting performers as a human

1 resources board for wrongful and constructive termination of public performers.

2
3 The Bailiff demanded I open my brief case. I refused and entered the court to ask Judge Bonaventure
4 to resolve the matter.

5
6 The Judge took us off the record and remained silent and looked stunned.

7
8 We then went back into the lobby and I asked the Bailiff, "How is it that you are a city hall marshal
9 when these cases are only for tickets issued in the resort district? How is it possible for you to be here
10 instead of the legitimate court house marshals from downstairs?"

11
12 It was at this point she stopped asking me to surrender my camera and requested a Las Vegas Marshal
13 Supervisor from down stairs. Nadia was the marshal who showed up.

14
15 I identified myself as the President of the Performers Union and that I was conducting an investigation
16 of this court as it could possibly be a de facto/unlawful court and I wished to go to federal court for
17 relief.

18
19 I gave this marshal permission to look through the photos I had taken and they were what I stated they
20 were of. I was then told I was free to go. This same Marshal said something to the effect to the city
21 hall Marshall, "Why did you bring me all the way up here?"

22
23 The Judge, the Bailiff and fake social workers knew that they were guilty of something by my
24 declaration and presence and they wanted to delete all photos I had taken.

June 24th, 2017

Both Mr. Lechner and Mrs Church were shaken down by The Convention Center Area Command (CCAC) while they performed on the Las Vegas Strip and harassed about their union membership.

Union Member Jerry Lechner and 5 other performers were handcuffed and told they would not be released until they identified the president and the contact information of the performers union president. They were told they have no 1st amendment rights, no rights to representation, no Weingarten Rights and that "Michael T. Moore is a SCUMBAG and ripping you off for union dues!"

Mr. Lechner had presented the Union's cease and desist letter to The Convention Center Area Command (CCAC) and it contained all contact information for myself. To date, no metro officers have sent an email, letter or called me on any official business, yet my union members are harassed for my contact information and told to leave the union.

Union membership was affected by this at the June 28th, 2017 meeting as members were in fear of attendance due to this shake down by the Convention Center Area Command (CCAC).

This event was video taped and the Convention Center Area Command (CCAC) are attacking Mr. Lechner and other performers because of their union membership.

This is Union-Busting by LVMPD and the Convention Center Area Command (CCAC) and they are acting as agents of the Casinos (The employers). The LVMPD- CCAC wishes to corner me alone without witnesses and threaten me with arrest, impounding my tools or worse. I fear I cannot go into the resort district-strip area as a public performer and/or labor, civil and human rights representative on behalf of the public performers union members I am privileged to represent.

I have broken no laws and I am organizing and representing under Federal law and engaged in

1 concerted protected activity.

2
3 Yet, I fear for my life, safety and tools of my trade from LVMPD and The Convention Center Area
4 Command (CCAC).

5 I am being prevented from 2 forms of my livelihood, public performing and as president of the
6 performers union. This places undue economic hardship upon my family as I am single parent with 2
7 sons at home.

8
9 This same undue economic hardship is being placed on as many as 750+ public performers by the
10 powers that be and LVMPD and the Convention Center Area Command (CCAC) acting as their
11 agents, as they are trying to criminalize the 1st amendment and I believe they are violating Title 18
12 Section 241 of US code.

13
14 The majority of the public performers I represent (and including the small group that I don't) have
15 undergone economic hardships, become displaced, contemplated and/or committed suicide and lost
16 their sense of well being. We all feel that our civil rights have been and will continue to be violated
17 unless action is taken immediately. We are human beings that deserve the right to happiness, not
18 homelessness. We are not committing any crime by communicating with the public on public
19 property.

20
21 I respectfully ask the court for an injunctive relief in the form of a temporary restraining order and that
22 we are granted a day in court for a preliminary injunction.

Relief Requested

1) The Las Vegas Metropolitan Police Department-Sheriff Joseph Lombardo and all deputies in all uniforms (Brown, Yellow and/or C.C.A.C Para-Military Jump suits) to "Stand-Down" on the harassment of Public Performers on the Las Vegas Strip and Fremont Street.

2) The LVMPD-Convention Center Area Command-Bureau Commander John Pelletier and those under his command to "Stand-Down" on the harassment of Public Performers on the Las Vegas Strip and Fremont Street.

3) All LVMPD Deputies and City Hall Marshals who patrol Fremont Street to "Stand-Down" on the harassment of Public Performers on Fremont Street.

4) Fremont Street Experience Security agents to "Stand-Down" on the harassment of Public Performers on d Fremont Street.

5) That all law enforcement mentioned above are restrained from issuing tickets to create malicious prosecution and wrongful termination and constructive discharge/wrongful termination of public performers under in all of Clark County and the City of Las Vegas, in particular:

A: Clark County Ordinance 16.11.090 "Obstruction".

B: Clark Country Ordinance 16:11:030 "Business without a license".

C: Clark County Ordinance 16:11.020 "General definitions"

D: Clark County Ordinances regarding Storage, Chords and Sound.

1 E: Issuing of tickets under Phantom Law(s).

2
3 F: Las Vegas Municipal Codes 11.68 and any others to Public Performers on Fremont Street.

4
5 6) The closer of the Community Court on the 17th Floor of Clark County Court House
6 under Judge Joe Bonaventure as a Human Resources board of discipline and termination that is
7 masquerading as lawful court, when it is in fact a Kangaroo, De Facto Court that is not a court of
8 competent jurisdiction in this primary labor, human and civil dispute of Las Vegas public performer
9 entertainment workforce.

10
11 7) Over turning all public performer tickets and reverse of any convictions as of January 1,
12 2016. within Clark County and City of Las Vegas as all tickets are malicious prosecution of Public
13 Performers operating under the 1st Amendment.

14
15 8) All law enforcement to stop stalking, harassing of public performers while they are
16 performing.

17
18 9) All law enforcement to cease all UNION BUSTING ACTIVIES against the performers
19 union and performers.

20
21 10) All law enforcement to not violate public performers rights under the International Human
22 Rights Declaration, Federal Law, Department of Labor, National Labor Relations Act and State laws.

23
24 11) Any other reasonable relief that the court may deem necessary to enforce the
25 Constitutional Rights for myself and all public performers on the Las Vegas Strip and Fremont Street.